

Enrico Pavao

SATF

P.O. Box 5244

Corcoran Ca 93212

**FILED**

**Nov 09, 2021**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Enrico Pavao

Plaintiff

v.

CASE NO. 1:21-cv-01635-EPG

(To be supplied by the Clerk)

(1) John and Jane doe 1-20

(2)

(3)

(4)

Defendant(s)

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)

☐ Other: \_\_\_\_\_

2. Institution city where violation occurred: Sacramento County Main Jail / Sacramento

### B. DEFENDANTS

1. Name of first Defendant: John and Jane doe 1-20 The first Defendant is employed as: Employees at: Sacramento County Main Jail  
(Position and Title) (Institution)
2. Name of second Defendant: \_\_\_\_\_ The second Defendant is employed as: \_\_\_\_\_ at: \_\_\_\_\_  
(Position and Title) (Institution)
3. Name of third Defendant: \_\_\_\_\_ The third Defendant is employed as: \_\_\_\_\_ at: \_\_\_\_\_  
(Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_ The fourth Defendant is employed as: \_\_\_\_\_ at: \_\_\_\_\_  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

### C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed: 1. Describe the previous lawsuits:

#### a. First prior lawsuit:

1. Parties: Enrico Pavao v. UNKNOWN
2. Court and case number: 2:20-CV-01693-TLN-CKD
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) dismissed

#### b. Second prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

#### c. Third prior lawsuit:

1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
2. Court and case number: \_\_\_\_\_
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: (42 U.S.C. § 1983 14<sup>th</sup> Amendment to the U.S. Constitution)

2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.

- |   |   |   |                                       |
|---|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities                        | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings                 | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other:               |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

See pages 8-19

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

See Pages 8-18

5. Administrative Remedies:

a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No

b. Did you submit a request for administrative relief on Claim I? ☐ Yes ☒ No

c. Did you appeal your request for relief on Claim I to the highest level? ☐ Yes ☒ No

d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. Plaintiff was threatened and intimidated by defendants.

CLAIM II

1. State the constitutional or other federal civil right that was violated. (42 U.S.C. § 1983 14th Amendment to the U.S. Constitution)

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input checked="" type="checkbox"/> Basic necessities  | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Others               |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

See Pages 19-21

4. Injury. State how you were injured by the actions or inactions of the Defendants.

See Pages 8-18

5. Administrative Remedies.

a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?

☒ Yes ☐ No

b. Did you submit a request for administrative relief on Claim II?

☒ Yes ☐ No

c. Did you appeal your request for relief on Claim II to the highest level?

☒ Yes ☐ No

d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

~~There are no administrative remedies available at this institution.~~ Plaintiff was threatened and intimidated by defendants.

CLAIM III

1. State the constitutional or other federal right that was violated (42 U.S.C. § 1983 14<sup>th</sup> Amendment to the U.S. Constitution)

2. Claim III. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation             |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other                |  |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without using legal authority or arguments.

See Pages 21-23

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

See Pages 8-16

5. Administrative Remedies.

- Are there any administrative remedies, grievance procedures or administrative appeals available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. Plaintiff was threatened and intimidated by defendants. And Medical Never let Plaintiff know what was wrong with him fully.

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

D. CAUSE OF ACTION

CLAIM IV

1. State the constitutional or other federal civil right that was violated: (42 U.S.C. § 1983 1st Amendment to the U.S. Constitution)

2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.
- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care           |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input checked="" type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |   |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

See Pages 23-24

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

See Pages 8-15

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim IV? ☐ Yes ☒ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☐ Yes ☒ No

d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. Plaintiff was threatened and intimidated by defendants. Plaintiff could have died from the retaliation from defendants.

E. REQUEST FOR RELIEF

State the relief you are seeking:

See Page 25

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10-4-2021  
DATE

Enrico Pava  
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

Statement of Claim  
Section D Cause of action.

1. At all times relevant Plaintiff was a Pretrial detainee incarcerated in Sacramento county Main Jail. All Claims 1-4 were recorded and are on (ESI) Electronically Stored information.
2. Defendants violated Plaintiffs 1st and 14th amendment rights. Different Claims do arise from the same transaction, Occurrence, or series of transaction or Occurrences".
3. Plaintiff was mentally ill, Physically disabled and Suicidal.
4. Plaintiff was housed on 4 east then was transferred to 3 west one zone because he was suicidal.
5. Plaintiff had a STD and Plaintiffs Penis was stuck to his underwear from gonorrhea. Plaintiff also has foreskin which made matters worse and Plaintiff fat ink.
6. on 3 west one zone Plaintiff informed defendants of his STD. Plaintiff was allowed one shower to clean his body from discharge.
7. Plaintiff kept asking for medical, Clean clothing and showers and to speak to a supervisor above them and for defendants to give him a grievance.
8. Plaintiff asked for a grievance, Filing or threatening to file a grievance is engaged in Protected speech.
9. Defendants said that Plaintiffs complaints were made while being out of bounds and 3 defendants approached Plaintiff and told him he was being transferred to a more restricted area which is an adverse action and did not have a legitimate, Penological Purpose or goal.

- 1 10. Defendants actions chilled Plaintiffs exercise of
- 2 his First Amendment rights.
- 3 11. Defendants adverse actions were retaliatory Motive.
- 4 12. Plaintiff was handcuffed by defendants and sent
- 5 to a worse part of the jail on the booking floor Suicide
- 6 watch. All actions are stored on (ESIT) Electronically Stored Information.
- 7 13. On the booking floor Plaintiff was told to remove his
- 8 solid clothing he had on and to put on a suicide
- 9 suit that looked like a dress with no undergarments
- 10 on while Plaintiff had a STD discharging from his Penis.
- 11 14. Defendants knew of Plaintiffs STD because he told
- 12 them so and showed them.
- 13 15. Plaintiff told booking floor defendants that he had
- 14 open wounds on the bottom of both feet and he needed
- 15 to stay clean and to see medical.
- 16 16. Plaintiff asked to keep his shoes on to stay clean from
- 17 STD discharge and was told no.
- 18 17. Plaintiff was told to go into the booking floor Suicide
- 19 Cell with two other inmates while his Penis was
- 20 discharging STD which is unsanitary and put Plaintiff
- 21 in a very unsafe situation.
- 22 18. Plaintiff has life long disabilities from a motor vehicle
- 23 accident in 2016 and receives Social Security for his
- 24 disabilities. Plaintiff has been ADA (American Disability
- 25 Act) in custody Multiple times Prior to this arrest
- 26 of 10-15-2019.
- 27 19. Plaintiff is a fall risk and high risk for fractures
- 28 due to osteopenia in spine and hips, Osteoporosis of

- 1 left knee.
- 2 20. Plaintiff is disabled and was put in a cell that was
- 3 not compliant with ADA rules.
- 4 21. Plaintiff was put in a cell where Plaintiff
- 5 was not provided non-skid foot coverings for
- 6 ambulation.
- 7 22. Trip hazards were not eliminated in booking
- 8 floor suicide watch cell. Inmates were laying on
- 9 the floor.
- 10 23. Plaintiff at times was not provided a clear
- 11 path to the bathroom.
- 12 24. None of Plaintiff's personal needs like toileting, showers,
- 13 soap, were proactively met.
- 14 25. Plaintiff was not given the chance to utilize
- 15 appropriate mobility aids and/or equipment (ie cane,
- 16 wheelchair, back brace in or outside the suicide
- 17 booking floor cell.
- 18 26. Plaintiff was not provided assistance and was
- 19 left alone while ambulating. Plaintiff informed
- 20 arresting cops of his disability.
- 21 27. Defendants' actions were meant to harm Plaintiff.
- 22 He did not belong in the booking floor cell.
- 23 28. Defendants unlocked the booking floor suicide cells door
- 24 so trustee could issue breakfast, lunch and dinner to
- 25 Plaintiff.
- 26 29. Lunch was given to Plaintiff hand to hand.
- 27 30. Defendants were aware of Plaintiff's STD and that
- 28 he needed soap to wash his hands everytime he

1 .ate or opened a milk for breakfast or went to the restroom  
2 to bathroom or urinate  
3 31. Plaintiff holds his penis to urinate. No soap was given  
4 for along period of time. Plaintiff lost track of time.  
5 32. Plaintiff's feet were blacked by the cell's filth. Every  
6 chance Plaintiff got he begged Passer by 3 for help  
7 (Defendants.)  
8 33. Defendants were making fun of Plaintiff by failing  
9 to let him see medical and booking Floor Sheriff bringing  
10 Plaintiff two band-aids for his dirty feet with open wounds  
11 on them.  
12 34. Plaintiff was finally given one bar of soap after  
13 multiple shift changes.  
14 35. Plaintiff rinsed his penis off in the sink area  
15 of booking floor suicide watch cell. He was yelled at for  
16 doing so.  
17 36. Defendants did not want Plaintiff clean from  
18 STD discharge all over his body.  
19 37. Defendants had a trustee clean the cell sink  
20 with disinfectant because they knew of Plaintiff's  
21 STD. And the trustee also mopped the cell floor because  
22 of discharge.  
23 38. Defendants were made aware of STD stains all over  
24 Plaintiff's suicide suit inside and out by Plaintiff.  
25 39. The soap was contaminated after a one time use.  
26 40. On 10-23-2019 Medication was ordered to treat  
27 Plaintiff for STD. Medical was unable to give Plaintiff  
28 the injection due to Safety reasons Per booking

1 Staff (Defendants).  
2 41. Defendants ignored Plaintiffs complaints of pain  
3 and failed to get or allow treatment.  
4 42. There was no reason for delay. Plaintiff was in  
5 Pain; Suicidal<sup>now</sup> had STD discharge all over his  
6 body.  
7 43. Plaintiff had no disciplinary actions or any  
8 pending.  
9 44. Mental health staff was informed of Plaintiffs  
10 issues twice a day while in suicide watch cell  
11 on booking floor.  
12 45. Plaintiff was not allowed shoes on booking floor  
13 suicide watch cell. Defendants let or allowed other  
14 inmates to wear shoes in the cell because Defendants  
15 knew of Plaintiffs STD and cuts / open wounds on  
16 bottom of his feet.  
17 46. Defendants failure to get medical attention caused  
18 Plaintiffs condition to worsen as time or days went  
19 on.  
20 47. There was never a second bar of soap given to  
21 Plaintiff.  
22 48. Days later Plaintiffs body went into extreme  
23 Rash. Plaintiffs body would bleed and ooze a  
24 clear liquid that would ooze down his legs then  
25 eventually from everywhere on his body.  
26 49. Plaintiff hands showed signs of joint symptoms.  
27 He had Problems gripping his cane and his hands  
28 looked Burnt.

1 50. After a court order to see what was wrong with  
2 Plaintiff was made, Plaintiff was told in February 2020  
3 that the rash, bleeding, oozing clear liquid and constant  
4 itching was from Human Parvo Virus B19.

5 51. There are facts that cannot be explained by Plaintiff in  
6 clinical manifestations, diagnosis, epidemiology, transmission,  
7 clinical syndromes, Pathogenesis and Microbiology of Human  
8 Parvo Virus B19 with out the help from Experts on what it  
9 did to Plaintiff's body, and a lawyer to explain it.

10 52. Plaintiff's skin is scared from rash

11 53. Plaintiff's Left Leg would swell very bad from being infected. Clear  
12 liquid would ooze from Plaintiff's navel

13 54. Defendants never rushed Plaintiff to the hospital.

14 55. Plaintiff suffered for the majority of his custody Period in  
15 Sacramento County Jail Main.

16 56. Defendants would get tired of Plaintiff's cries for help. Plaintiff  
17 would push his emergency button in cell 304 4 East almost every  
18 day about medical reasons pertaining to Pain and a constant  
19 itch from a Extreme rash, breathing treatments, showers  
20 from being in soild clothing and the need for fresh/clean  
21 clothing.

22 57. Plaintiff was seen by Medical 9/6 hip Chronic Pain and  
23 knee Pain related to Motor Vehicle accident. Plaintiff has  
24 trouble ambulating up and down stairs and requested  
25 visits to be on a safe level to walk on.

26 58. Plaintiff's bones are weak and he is a fall risk and  
27 high fracture risk.

28 59. Defendants on 4<sup>th</sup> floor East told Plaintiff that he had to

- 1 walk upstairs to visit knowing Plaintiff was ADA, a fall risk,
- 2 high fracture risk, had a cane to help with mobility impairment,
- 3 and a lower tier/lower bunk chronic.
- 4 60. Defendants on 12-3-2019 were told by Medical that
- 5 Plaintiff was requesting to have visits down stairs on 2nd
- 6 Floor Medical due to Problems with ambulating up and
- 7 down stairs. A doctor ordered Lower bunk/lower tier and a
- 8 cane for Length of stay.
- 9 61. Medical spoke with Custody regarding visits on 2nd Floor
- 10 Medical. Plaintiff was still told he had to walk upstairs to
- 11 visit Downstairs when he was done and recreation and showers
- 12 the same while being ADA on 4<sup>TH</sup> Floor East.
- 13 62. Plaintiff has breathing Problems and was denied on 1-3-2020
- 14 until the next shift came on.
- 15 63. Plaintiff pushed the emergency button in cell 304 4 east
- 16 and ask for his breathing treatment. Plaintiff was told he
- 17 didn't have breathing treatments.
- 18 64 Plaintiff has been to breathing treatments before.
- 19 65. Plaintiff specifies that conditions Persisted during his
- 20 custody Period in the Sacramento county Jail main.
- 21 66. Plaintiff was reluctant to file other grievances against
- 22 challenging other incidents involving defendants based on
- 23 defendants conduct and Past experience with defendants
- 24 breaking Plaintiffs arm and being ruffed up by sheriffs
- 25 Defendants multiple times before.
- 26 67. Plaintiff has filed grievances complaining of defendants
- 27 conduct towards his rights.
28. 68. Some of Plaintiffs grievances were never answered

1. or given log numbers. Some were signed by defendants
2. with incorrect dates.
3. 69. Plaintiff told Defendants that he wanted them to kill him
4. on booking floor. The way Plaintiff was treated by defendants
5. was that they were assisting in Plaintiff's demise.
6. 70. Defendants denied and delayed Plaintiff's access to
7. medical treatments.
8. 71. Defendants violated Plaintiff's rights by making him a
9. threat to his own safety by feeding him and not allowing
10. him to wash his hands of STD, keeping Plaintiff in
11. soiled clothing & bedding.
12. 72. Defendants were more worried about cleaning the cells sink
13. than allowing Plaintiff to be clean.
14. 73. Plaintiff's severe pain in Penis and later with rash on
15. Penis, body, legs, hands, feet affected his daily activities.
16. 74. Defendants failure to get medical attention caused Plaintiff's
17. condition to worsen, safety concerns and open to secondary
18. infection.
19. 75. Defendants never quarantined Plaintiff while he was
20. contagious/infectious.
21. 76. Defendants acted in conscious disregard of excessive risk
22. of harm to the health and safety of Plaintiff by their
23. actions.
24. 77. Defendants refusal and delay of medical attention, exposed
25. Plaintiff to the risk of temporary and permanent damage.
26. Plaintiff's body and Penis are scarred from Extrem
27. Rash and infection.
28. 78. Defendants knew of Plaintiff's STD on 3rd floor cone zone

1 West. Defendants were tired of Plaintiff's complaints.  
2 79. Defendants took Plaintiff to a more restricted/worse  
3 Part of the Sacramento County Main booking floor and  
4 treated Plaintiff bad while in Suicide watch.  
5 80. 2-10-2020 Court orders Jail Medical Doctor to visit  
6 Plaintiff if possible the same day to check on Plaintiff's  
7 rash or any other medical issue.  
8 81. A blood test was done at the Jail. When the lab report  
9 came back from Quest Diagnostics - Infectious Disease it  
10 states results from any one IgM assay should not be used  
11 as a sole determinant of a current or recent infection.  
12 Because IgM test can yield false positive results  
13 and low levels of IgM antibody may persist for months  
14 post infection, reliance on a single test result could be  
15 misleading. If an acute infection is suspected, consider  
16 obtaining a new specimen and submit for both IgG and  
17 IgM testing in two or more weeks. To diagnose current  
18 infection, consider Parvovirus B19 DNA, PCR.  
19 82. The court ordered Medical and the lab gave  
20 instructions but Defendants chose not to help Plaintiff.  
21 83. Defendants denied and delayed Plaintiff access to  
22 medical treatments and orders from a doctor.  
23 84. Defendants would watch Plaintiff struggle with  
24 a issued suicide suit that didn't fasten correctly. The  
25 suit would fall off and Plaintiff's body would be exposed  
26 when it didn't have to be.  
27 85. Plaintiff was being watched by defendants on  
28 their monitor through the suicide cell camera as Plaintiff

- 1 ate food with STD on hands.
- 2 86. Everywhere Plaintiff went in Sacramento County
- 3 Main Jail Defendants found a way to Punish him.
- 4 87. Defendants would do a check up on Plaintiff every 15
- 5 minutes in Suicide watch. Defendants would sign their
- 6 names on a sheet of paper outside the cell to confirm
- 7 that they lock in the cell and Plaintiff was ok. Plaintiff
- 8 was not well or safe.
- 9 88. Plaintiff had to receive food hand to hand for lunch
- 10 in suicide cell. Open Milk with hands and eat breakfast
- 11 and dinner while having dirty hands from STD
- 12 and bad movement on them.
- 13 89. Plaintiff was wheelchair to court because of
- 14 ADA issues but was told on 4th Floor East that he
- 15 had to climb the stairs to visit if he wanted to
- 16 visit.
- 17 90. Defendants acted in conscious disregard of an excessive
- 18 risk of harm to the health and safety of Plaintiff.
- 19 Plaintiff was and is in fear for his life.
- 20 91. Defendants Placed Plaintiff in a situation that
- 21 caused injury due to unavoidable causes like
- 22 Consuming germs and the fact that he had to
- 23 step in it with open wounds on his feet.
- 24 92. Plaintiff is traumatized by defendants actions
- 25 and from then Plaintiff is now at the Mental Health
- 26 level of Care EOP "Enhanced OUT Patient".
- 27 93. There is video of everything Plaintiff has alleged
- 28 about defendants. And how Maliciously and

1 Sadistically they treated Plaintiff for the Purpose of  
2 Punishment, Causing harm or death.

3 94. On information and belief, defendants that were  
4 Supervisors on 4th floor East, 3rd floor West cone zone,  
5 and booking floor for suicide watch cell failed to  
6 properly train defendants and to ensure that they do  
7 not use excessive force against Plaintiff who was  
8 a Pretrial detainee that didn't do anything wrong but  
9 was threatened and intimidated by Defendants.

10 CLAIM I

11 Due Process

12  
13 (42 U.S.C. § 1983 14th Amendment to U.S. Constitution)

14  
15 95. The allegations contained in Paragraphs 1-94, inclusive, are  
16 hereby incorporated by reference.

17 96. Defendants violated Plaintiffs due Process rights  
18 to be free from excessive force by officers.

19 97. Defendants violated Plaintiffs right to be free from  
20 Punishment guaranteed to the Plaintiff by the 14th  
21 Amendments due Process Clause.

22 98. Defendant's wrongful actions herein are in violation of  
23 42 U.S.C. § 1983 because they have deprived Plaintiff  
24 of rights, benefits, and privileges secured by the  
25 United States Constitution.

26 99. As a Proximate result of defendants violation of  
27 Plaintiff's due Process rights while in Sacramento County  
28 Jail Plaintiff has suffered, is suffering, and will continue to suffer

1 irreparable damage from Excessive Force by officers.

2 100. The actions and conduct of defendants demonstrates that  
3 they did not care of Plaintiff's rights.

4 101. Defendants acted under color and authority of state law.

5 102. Jail officials have a duty to ensure that detainees are  
6 provided adequate shelter, food, clothing, Sanitation, Medical  
7 care, and Personal safety.

8 103. Defendants act resulted in the denial of the Minimal  
9 civilized Measure of Life's necessities.

10 104. Plaintiff establishes that the restrictions imposed by his  
11 confinement constituted Punishment and they were arbitrary  
12 or Purposeless or excessive in relation to their Purposes.

13 105. A actual controversy exists between Plaintiff and  
14 defendants concerning their rights, Privileges and obligation.

15 106. Defendants knew or should have known that their conduct,  
16 attitudes and actions created an unreasonable risk of  
17 serious harm to Plaintiff.

18 107. Defendants actions were willfull, intentional, malicious,  
19 oppressive, Sadistic and conscience disregard to Plaintiff's  
20 rights entitling Plaintiff to an award of exemplary  
21 damages.

22 108. Defendants John and Jane doe that worked booking  
23 floor Suicide watch are legally responsible for the safe  
24 custody of all inmates including Plaintiff. Defendants  
25 are being sued in their individual and official capacities.

26  
27 CLAIM II  
28 Due Process

1 (42 U.S.C. § 1983 14<sup>th</sup> Amendment to U.S. Constitution)

2

3 109. The allegations contained in Paragraphs 1-108 inclusive,  
4 are hereby incorporated by reference.

5 110. Defendants violated Plaintiffs due Process because  
6 restrictions imposed by his confinement constituted  
7 Punishment.

8 111. Defendants wrongful action alleged herein are in  
9 violation of 42 U.S.C. § 1983 because they have deprived  
10 Plaintiff of rights, benefits, and Privileges.

11 112. As a Proximate result of defendants violation of  
12 Plaintiffs due Process rights while in Sacramento County  
13 Main Jail, Plaintiff has, is and will continue to suffer  
14 irreparable damage based on defendants Actions.

15 113. The actions and conduct of defendants demonstrates that  
16 they did not care of Plaintiffs rights or life.

17 114. Defendants acted under color and authority of state law.

18 115. As a direct and foreseeable result of defendants violation of  
19 Plaintiffs due Process Plaintiff has suffered, is suffering  
20 and will continue to suffer damages to his body from  
21 Conditions of his confinement while at Sacramento County  
22 Main Jail.

23 116. Defendants acts resulted in the denial of the Minimal  
24 Civilized Measure of life's necessities.

25 117. Plaintiff establishes that the restrictions imposed by his  
26 Confinement Constituted Punishment.

27 118. Defendants have a duty to ensure that detainees are  
28 Provided adequate shelter, food, clothing, Sanitation,

1 Medical Care and Personal Safety.

2 119. A actual Controversy exists between Plaintiff and defendants  
3 concerning their rights, Privileges and obligation.

4 120. Defendants knew or should have known that their  
5 conduct, attitudes and actions created a unreasonable risk  
6 of harm to Plaintiff.

7 121. Defendants actions were meant to Punish, they were willful,  
8 intentional, Malicious, oppressive, Sadistic and Conscience  
9 disregard to Plaintiffs rights entitling him to an award  
10 of exemplary damages. They were also arbitrary, Purposeless and excessive.

11 122. Defendants John and Jane doe that worked the 3rd Floor West  
12 Core zone, Booking floor Suicidal Cell, 4th Floor East and 2nd  
13 floor Medical are legally responsible for the safe custody  
14 of all inmates including Plaintiff. Defendants are being sued  
15 in their individual and official capacities.

16  
17 CLAIM III  
18 Due Process  
19

20 (42 U.S.C. § 1983 14th Amendment to U.S. Constitution)

21 123. The allegations contained in Paragraphs 1-122, inclusive, are  
22 hereby incorporated by reference.

23 124. Defendants violated Plaintiffs due Process rights that are guaranteed  
24 to the Plaintiff by the 14th amendment of the U.S. Constitution.

25 125. Plaintiff has the right to adequate medical care as a pretrial  
26 detainee under the 14 amendment due Process Clause.

27 126. Defendants wrongful actions alleged herein  
28 are in violation

1 of 42 USC, § 1983 because they had deprived Plaintiff of rights,  
2 benefits and Privileges secured by the United States Constitution  
3 127. As a Proximate result of defendants violation of Plaintiffs due  
4 Process rights while in sacramento County main Jail Plaintiff  
5 has, is and will continue to suffer irreparable damage based  
6 on defendants Actions.

7 128. The actions and conduct of defendants demonstrates that  
8 they did not care of Plaintiffs rights or life.

9 129. Defendants acted under color and authority of state  
10 law.

11 130. As a direct and foreseeable result of defendants violation  
12 of Plaintiffs due process Plaintiff has suffered, is suffering  
13 and will continue to suffer damages to his body from  
14 conditions of his confinement and medical not doing there  
15 job correctly while at sacramento County Main Jail.

16 131. Defendants acts resulted in the denial of the minimal  
17 civilized Measure of life's necessities.

18 132. Plaintiff establishes that restrictions imposed by his  
19 confinement constituted Punishment.

20 133. It is obvious that even a lay Person would easily  
21 recognize the necessity of sending Plaintiff to a outside  
22 Emergency room at a hospital.

23 134. Plaintiffs medical condition of Parvo Virus B19 disabled  
24 him and interfered with daily activities, and the exist-  
25 ence of chronic and substantial Pain are noted.

26 135. Defendants have a duty to ensure that detainees are  
27 provided adequate shelter, Food, clothing, Sanitation, Medical care.  
28 and Personal safety.

1 136. A Actual Controversy exists between Plaintiff and defendants  
2 Concerning their rights, Privileges and obligation.

3 137. Defendants knew or should have known that their Conduct,  
4 attitudes and actions created a unreasonable risk of serious  
5 harm to Plaintiff.

6 138. Defendants actions were meant to Punish. They were  
7 willful, intentional, Malicious, oppressive, Sadistic and Conscience  
8 disregard to Plaintiffs rights entitling him to an award of  
9 exemplary damages

10 139. Defendants John and Jane doe who worked 2nd Floor  
11 Medical and sick call visits on 4 east are legally responsible  
12 for Proper Medical care for Plaintiff. Defendants are being  
13 sued in their individual and official capacities.

#### 14 CLAIM IV

15  
16  
17 (42 U.S.C. § 1983 1st Amendment to the U.S. Constitution)

18  
19 140. The allegations Contained in Paragraphs 1-139, inclusive,  
20 are hereby incorporated by reference.

21 141. Defendants violated Plaintiffs due  
22 Process. For under the due Process Clause a  
23 detainee may not be Punished Prior to an  
24 adjudication of guilt in accordance with due Process  
25 of law.

26 142. Defendants wrongful action alleged herein are  
27 in violation of the 1st Amendment to Plaintiff rights,  
28 benefits and Privileges Secured by the United States Constitution.

1 143. As a Proximate result of defendants violation of Plaintiff  
2 due Process rights while in Sacramento County Main Jail  
3 Plaintiff has, is and will continue to suffer irreparable damage  
4 based on denial of rights.

5 144. The actions and conduct of defendants demonstrates that they  
6 did not care of Plaintiff's rights,

7 145. Defendants acted under color and authority of state law,

8 146. As a direct and foreseeable result of defendants violation of Plaintiff  
9 1st Amendment due Process Plaintiff has suffered, is suffering and  
10 will continue to suffer damages to his body from Retaliation  
11 and being Punished by defendants on booking floor Suicide  
12 Watch Cell, 3rd Floor Cone zone west, 4th floor East and Medical  
13 Care.

14 147. A actual controversy exists between Plaintiff and defendants  
15 concerning their rights, Privileges and obligation.

16 148. Defendants actions were willful, intentional, Malicious, wanton  
17 and despicable, oppressive, conscience disregard to Plaintiff's  
18 rights entitling Plaintiff to an award of exemplary damages

19 149. Defendants are Employees for the County of Sacramento and  
20 work at the Sacramento County Main Jail.

21 150. Defendants John and Jane doe who worked on 3rd floor  
22 west cone zone, Booking floor Suicide cell, 4th floor East and 2nd  
23 floor Medical are legally responsible for the Retaliation on Plaintiff.

24 Defendants are suppose to keep inmates safe And Are being sued  
25 in their individual and official capacities.

26 151. Defendants knew or should have known that their  
27 Conduct, attitudes and actions created an unreasonable  
28 risk of serious harm to Plaintiff.

## PRAYER FOR RELIEF

152. WHEREFORE, Plaintiff respectfully prays for relief as follows on Claims I, II, III, IV.

1. Issue a declaratory judgment that the defendants actions contained herein violate Plaintiffs rights under the U.S. Constitution.

2. Award Plaintiff monetary damages, Compensatory damages, Punitive damages and Exemplary damages in an amount to be determined at trial or by Judge.

3. Award Plaintiff if represented by an attorney a fee award for attorneys fee.

4. Make defendants pay for all costs of the Suit; and

5. Award such other and further relief as the Court deems Just and Proper.

Enrico Pavar  
Plaintiff

10-11-2021  
Date

1 DEMAND FOR JURY TRIAL

2  
3 Plaintiff hereby demands a trial by jury  
4 on all issues triable to a jury.  
5

6 10-11-2021  
7 Dated

Respectfully Submitted

8 Enrico Pavao  
9 Plaintiff  
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UNITED STATES DISTRICT COURT

Eastern District Court of California

Keith Holland, Clerk

Jenna Nelson, Chief Deputy

CLERK'S NOTICE

TO:

Enrico Pavao BL7923  
CALIFORNIA SUBSTANCE ABUSE  
TREATMENT FACILITY  
P.O. BOX 5244  
Corcoran, CA 93212-5244

Case Number:

n/a

☐ REPLY TO:

Divisional Office  
2500 Tulare St. #1-500  
Fresno, California 93721

☒ REPLY TO:

Office of the Clerk  
501 I Street #4-200  
Sacramento, CA 95814

RE: Pleadings and/or Correspondence received on :

10/18/21

- ☒ **E-FILING** : Pursuant to Standing Order of the Chief District Judge entitled "In Re: Procedural Rules for Electronic Submission of Prisoner Litigation filed by Plaintiff's Incarcerated", the document(s) can not be filed because your institution participates in the e-filing program with the court. Per the Standing Order, the document(s) is (are) returned unfiled and must be filed under E-Filing procedure with the Librarian/Litigation Coordinator. When filing documents under E-Filing procedures, please include this document (Clerk's Notice) with the e-filing documents.

Thank you for your future attention to this matter.

lr

Deputy Clerk

10/18/21

Date

INMATE NAME (PRINT) Enrico Pavao  
CDC NUMBER BL7923  
HOUSING UNIT YARD BUILDING NUMBER G1-14-3L

### PROOF OF SERVICE BY MAIL

I, UNDERSIGNED, CERTIFY THAT I AM OVER THE AGE OF 18 YEARS OF AGE THAT I CAUSED TO BE SERVED A COPY OF THE FOLLOWING DOCUMENT:

LEGAL/CONFIDENTIAL MAIL ADDRESSED TO:

UNITED STATES COURTS  
OFFICE OF THE CLERK, UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA 501 E ST, STE 4-200  
SACRAMENTO, California 95814-2322

BY PLACING THE LEGAL/CONFIDENTIAL DOCUMENTS IN AN ENVELOPE, SEALING IT BEFORE A CORRECTIONAL OFFICER, AND LEAVING IT IN THE CUSTODY OF THAT SAME OFFICER AT THE CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND STATE PRISON (CSATF/SP) TO BE MAILED VIA THE UNITED STATES MAIL.

THIS HAS BEEN EXECUTED ON (DATE) 10-12-2021 AT CSATF SP ON G YARD.

I (INMATE PRINT NAME AND CDC NUMBER) Enrico Pavao BL7923  
DECLARE UNDER THE PENALTY OR PERJURY UNDER THE LAW OF THE STATE OF CALIFORNIA THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.

Enrico Pavao  
SIGNATURE OF INMATE

[Signature]  
SIGNATURE OF HOUSING OFFICER